THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6598 of 2007

Dated: 02.04.2007

Between:

M. Y. Maharshi and another.

..... PETITIONERS

AND

The District Collector, Mahabubnagar District, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.6598 of 2007

ORDER:

First petitioner filed a revision petition under Section 9 of the Andhra Pradesh Rights in Land & Pattadar Pass Books Act, 1971 (the Act, for brevity) before second respondent praying to cancel the pattadar passbooks and title deeds issued to Kummari Ramachandraiah and others in respect of land in survey Nos.305/1 (admeasuring Acs.10.07 gts) and 305/2 (admeasuring Acs.21.12 gts). The revision petition was filed on 08.02.2007. Even before notice would be ordered therein, instant writ petition is filed seeking a writ of Mandamus directing second respondent to dispose of the revision petition expeditiously.

As seen from the revision petition, a copy of which is annexed to this writ petition, first petitioner alone filed the revision petition and therefore, second respondent cannot be said to have any grievance. Be that as it is, when the revision petition itself was filed on 08.02.2007 aggrieved by the proceedings of fourth respondent under Section 5-A of the Act, which were issued sometime ago, the extra ordinary jurisdiction under Section 226 of the Constitution of India cannot be exercised. In **Mir Fazle Ali Nasiri v. State of Andhra Pradesh**[1], it was held by this Court as under.

> That being the legal position, the time limit within which a statutory authority should act or due to act not being mandatory, it would be impermissible for this Court in every case to issue a direction as a matter of course to public authorities to dispose of application/appeal/revision, within a specified time. It can always be argued that, such a direction would amount to introducing a requirement in the statute, which the Legislature itself did not provide for. Therefore, this Court is of considered opinion that as and when such a writ petition is filed seeking a direction – seemingly innocuous – to dispose of the matter expeditiously, such a direction cannot ordinarily be given unless, of course, there is inordinate delay in discharging public duties which itself amount to arbitrariness.

Therefore, this writ petition cannot be entertained and the same is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

02th April, 2007
ghn

[1] 2007(2) ALD 3